

***Effective 5/13/2014***

***Superseded 5/12/2015***

**63L-6-105 Interstate compact -- Transfer of public land.**

The Interstate Compact on the Transfer of Public Lands is hereby enacted and entered into with all other jurisdictions that can legally join in the compact, which is, in form, substantially as follows:

Interstate Compact on the Transfer of Public Lands

Whereas, the separation of powers, both between the branches of the federal government and between federal and state authority, is essential to the preservation of individual liberty;

Whereas, the Constitution of the United States creates a federal government of limited and enumerated powers and reserves to the states or to the people those powers not expressly granted to the federal government to protect the liberty of individual property incidental to the sovereignty and the health, safety, and welfare of its citizens;

Whereas, each state adopting and agreeing to be bound by this compact finds that the coordinated, regular, institutional exercise of its sovereign power under its respective constitution and the Constitution of the United States is an essential component of the governing partnership between the states and the federal government;

NOW, THEREFORE, the states hereto resolve and, by the adoption into law under their respective state constitutions of this Interstate Compact on the Transfer of Public Lands, agree, as follows:

Sec. 1. Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

- (1) "Associate member state" means any state that is not a "member state."
- (2) "Compact" means the Interstate Compact on the Transfer of Public Lands.
- (3) "Compact administrator" means the person selected by the compact commission to staff the compact commission and whose duties, powers, and tenure are only those approved by the commission.
- (4) "Compact commission" means the entity composed of member state representatives and who will administer the compact.
- (5) "Compact notice recipient" means the archivist of the United States, the president of the United States, the office of the secretary of the United States Senate, the majority leader of the United States Senate, the speaker of the United States House of Representatives, the office of the clerk of the United States House of Representatives, the chief executive of each state, and the presiding officer of each chamber of the Legislature of each state.
- (6) "Member state" means any of the following states that are a signatory to the compact and that have adopted it under the laws of that state: Alaska; Arizona; California; Colorado; Idaho; Montana; Nevada; New Mexico; Oregon; Utah; Washington; and Wyoming.

Sec. 2. Purpose of the compact and commission.

The purpose of the compact and commission is to study, collect data, and develop political and legal mechanisms for securing the transfer to the respective member states of certain specially identified federally controlled public lands within the respective member state boundaries.

Sec. 3. Compact commission and compact administrator.

(1) The compact commission is hereby established and has the powers and duties as follows:

- (a) elect, by majority vote, a chair and cochair from among the compact's members, who shall serve a term of office of two years and may serve no more than two terms as chair or cochair;
- (b) appoint a compact administrator who shall report to the chair and cochair;
- (c) request and disburse funds for the operation of the compact commission;

- (d) allow the compact commission to seek staff and research assistance from nonprofit organizations;
  - (e) adopt parliamentary procedures and publish bylaws consistent with member states;
  - (f) receive, evaluate, and respond to input from compact commission members regarding actions taken by the federal government that interfere with the:
    - (i) powers reserved to the state;
    - (ii) regulation of real property, including land titles, uses, and transfers;
    - (iii) regulation of agriculture and nonagricultural businesses that do not engage in interstate commerce; and
    - (iv) jurisdiction for the health, safety, and welfare of a state's residents;
  - (g) keep and publish minutes of compact commission meetings and records of the compact administrator both of which shall be considered public records and available upon request by the public; and
  - (h) prepare an annual report of the compact commission's activities for member and associate member states.
- (2) The compact administrator shall staff the compact commission, perform duties, and exercise powers as granted by the commission, or as directed by the chair or cochair.
- (3) A majority of the member state representatives present at a compact commission meeting constitutes a quorum and an action of the quorum constitutes an action of the compact commission. Each member state shall have one official representative who shall have one vote.
- (4) The compact commission may not take any action within a member or associate member state that contravenes any state law of that member or associate member state.

#### Sec. 4. Compact membership and withdrawal.

- (1) Each member and associate member state agrees to perform and comply in accordance with the terms of membership of this compact consistent with the constitution and laws of the member or associate member state. Actions by members of the compact, for the purpose for which it was created, are based upon the mutual participation, reliance, and reciprocal performance in agreeing to enact this compact into law.
- (2) A state enacting this compact into law shall appoint one official representative to the compact commission and shall provide to the compact commission a letter of that representative's appointment. A copy of the letter of appointment with a government-issued photo identity card shall constitute proof of membership on the compact commission.
- (3) For voting purposes, only a member state representative may vote and each member state may have only one vote.
- (4) A member or associate member state may withdraw from this compact by enacting legislation and giving notice of the enacted withdrawal legislation to the compact administrator. No such withdrawal shall take effect until six months following the enactment of withdrawal legislation and a withdrawing state is liable for any obligations that it may have incurred prior to the date upon which its withdrawal legislation becomes effective.

#### Sec. 5. Adoption of compact.

Upon a state adopting the compact and notifying the compact administrator, the administrator shall notify all other member states of the adoption by sending an updated certified copy of the compact with the new adoptee state listed.

#### Sec. 6. Commission meetings.

- (1) The initial meeting of the compact commission shall be within 90 days after the compact is enacted by two or more states. The official representatives of the enacting states shall determine the date, time, and location of the initial meeting and publish that information in their respective states in a manner consistent with the laws of those states for posting notifications

and agendas of public meetings. At the initial meeting, those official representatives shall, as provided in Sec. 4, elect a chair and cochair, and appoint a compact administrator. The compact administrator shall, as directed by the compact commission chairs and as provided in the compact, organize the compact commission's activities.

(2) Following the compact commission's initial meeting, the compact commission shall meet at least one time per year. No meeting shall continue longer than three consecutive days.

(3) Special meetings may be called if half or more of the member states notify the chair of the compact commission in writing of the request for a meeting. Attendance at the meeting may be in person or by electronic means. No meeting shall continue longer than three consecutive days.

(4) Meetings shall be recorded, and the recording and minutes of the meeting shall be made available to the public within 30 days after the meeting. Meetings closed to the public are not permitted except where provided by law in the state in which the meeting is held.

#### Sec. 7. Funding.

The activities of the compact commission and compact administrator shall be funded exclusively by each member and associate member state, as permitted by the laws of those states, or by voluntary donations. Records shall be kept of all funding and disbursements, and that information shall be available within 30 days upon request by a compact commission member, or by a member state or associate member state.

#### Sec. 8. Cooperation.

The compact commission, member states, associate member states, and the compact administrator shall cooperate and offer mutual assistance with each other in enforcing the terms of the compact for securing the transfer of title to federally controlled public lands to willing western states.

#### Sec. 9. Declaration of Interstate Compact on the Transfer of Public Lands goals.

(1) Member states, in order to restore, protect, and promote state sovereignty and the health, safety, and welfare of their citizens, shall:

(a) develop and draft model uniform legislation for member states to adopt in securing sovereignty and jurisdiction over federal lands within the respective member state boundaries;

(b) develop and draft model uniform legislation for member states to send to their federal delegation for introduction in Congress for the transfer of federally controlled public lands to the respective member state governments; and

(c) develop legal strategies for securing state sovereignty and jurisdiction over federally controlled public lands within member state boundaries.

(2) The compact goals in Subsection (1) take effect when:

(a) two states have become member states and adopted the terms in legislation; and

(b) Congress votes to consent to the terms of this compact under United States Constitution Article I, Section 10.